

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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December 21, 2018

Commissioner Charles M. Arlinghaus
Department of Administrative Services
25 Capitol Street
Concord, NH 03301

Re: Mary Saucedo, et al v. William M. Gardner, SOS, et al.
Case No. 17-cv-00183-LM

Dear Commissioner Arlinghaus:

Please take the necessary steps to issue the State of New Hampshire's checks made payable to the following:

\$145,075.89 payable to the ACLU Foundation (Taxpayer Identification Number [REDACTED]
[REDACTED] for attorney's fees.

\$45,686.15 payable to the American Civil Liberties Union of NH (Taxpayer Identification Number [REDACTED]) for attorney's fees.

\$9,237.96 payable to Paul Twomey, Esq. (Taxpayer Identification Number [REDACTED])
for attorney's fees.

These payments are the result of the settlement of a lawsuit. On May 10, 2017, Plaintiffs filed this action in the United States District Court for the District of New Hampshire challenging the constitutionality of RSA 659:50, III. This statute required moderators, on Election Day, to compare signatures on absentee ballot request forms with the signatures on the affidavit envelope containing a marked ballot. The moderator was authorized to reject the marked ballot if the signature on the envelope did not appear to match the signature on the request form.

The trial court granted summary judgment in favor of the Plaintiffs, finding that the signature comparison, as currently implemented, violated the Due Process clause of the U.S. Constitution because it failed to give adequate notice to the voter and an opportunity for him or her to cure the defect before it is rejected.

Commissioner Arlinghaus

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As the prevailing party, Plaintiffs were entitled to an award of attorneys' fees. Plaintiffs' attorneys requested the State to pay their fees and costs, totaling \$316,717.93. The amount of attorneys' fees and costs are in dispute. However, I find that it is in the best interest of the State to settle this matter by issuing the above payments totaling \$200,000.00. Plaintiffs' attorneys have agreed to the terms of this settlement.

Thank you for your assistance. Feel free to contact Assistant Attorney General Matthew T. Broadhead at 271-3650, if you have any questions.

Sincerely,



Gordon J. MacDonald
Attorney General